

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 6:13-cr-00614-AA

Plaintiff,

OPINION AND ORDER

v.

VICTOR RIVERA-CRUZ,

Defendant.

AIKEN, Judge:

Defendant seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 of the United States Sentencing Guidelines (USSG). Defendant's motion is denied.

Defendant was sentenced to a mandatory minimum sentence of 120 months as required by statute, and Amendment 782 does not apply to his sentence and cannot provide the relief he seeks. *See* USSG § 1B1.10, app. n. 1(A) (a sentence reduction is not authorized if "an amendment does not

have the effect of lowering the defendant's applicable guideline range because of the operation of another guideline or statutory provision (e.g., a statutory mandatory minimum term of imprisonment)"); *United States v. Paulk*, 569 F.3d 1094, 1095-96 (9th Cir. 2009) (per curiam).

Accordingly, defendant's motion for reduction of sentence (doc. 37) is DENIED.

IT IS SO ORDERED.

Dated this 9th day of November, 2016.

A handwritten signature in black ink, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge